



# Indiana Court Times

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## Chief Justice Describes Judiciary's Role In Strengthening Indiana

*This article by the Hon. Randall T. Shepard, Chief Justice of Indiana, is an excerpt from his annual State of the Judiciary address, which he delivered to the Indiana General Assembly on Jan. 17, 2003.*

### "Judges Are Building a Stronger Indiana"

The current focus on the economy and its effects on our state budget, has made government a difficult place to be. While writing a budget is mainly a job for legislators and the Governor, judges are also working to make Indiana stronger and smarter. Reforms now underway in the judiciary will help sustain progress in education, assist families threatened by the economic downturn, and build a better workforce and a more diverse economy.

### Contributing to Education

To survive in a changing environment, we need well-educated citizens. The judiciary has been doing more than ever before to provide education in a field where we have a unique capacity to contribute: civic education. We have been broadcasting our Supreme Court hearings live over the Internet to make both students and adults better-educated. We have also created lesson plans for highlighted cases and met with hundreds of teachers to explain this project we call "Courts in the Classroom."

We are also helping those for whom English is not the first language. Many court documents are on the Internet in Spanish at our Self-Service Legal Center. The Supreme Court has also approved a major proposal by our Commission on Race and Gender Fairness to provide in-court translation services. Indiana must not be a place where people get lost in the legal system just because they have not mastered English.

### Supporting Families

We pay special heed to the strength of families during hard times because we believe strong families make for better educated children and sustain a more effective workforce.

Last year we made major changes in our approach to family cases. The Superior Court in Lake County, for example, created a consolidated domestic relations division to deal more effectively with custody, parenting time, and child support. To relieve the trauma children often experience in domestic litigation, the Lake Circuit Court created a children's room, a special haven in a difficult environment.

Our statewide family court initiative to develop a coordinated approach to dysfunctional families who frequently bounce around from one courtroom to the next. Families in Lake County now have a state-of-the-art facility for juvenile court, social services and residential care. From family courts, to new facilities, to reforms in procedure, building stronger families for Indiana's future remains a key objective for Indiana judges.

### Stronger Workforce, Stronger Economy

Effective courts have a role to play in rebuilding Indiana's economy. The first civil courts were created 600 years ago because of the desire to promote commerce. If merchants in Rome wanted to trade with artisans in Nice, they needed common rules about enforcing contracts and reliable courts to resolve disputes. The same is true today.

Many of our reforms will help improve the state's economy.

- New jury rules will make our juries more representative and reduce the economic costs of mistrials.
- The Supreme Court's decision to take more civil cases will provide greater certainty in fields like finance and insurance and contribute to economic development. Last year we decided more civil cases than ever before.

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- The monumental effort led by Justice Frank Sullivan to create a computerized statewide case management system will reduce court costs because cases will move through the system more quickly.

- Our emphasis on mediation as an alternative to litigation makes it cheaper, faster, and simpler to resolve disputes.

- Judges in our criminal courts are devising many new techniques that will foster a better workforce.

In some places, court system dysfunction has become a millstone around the state's economic future. That must not happen in Indiana.

## Our Leadership

All these advances are created by a remarkable cadre of judges, prosecutors, and lawyers. They are widely recognized in their own communities and some have even been named, "Citizens of the Year." Unlike most public and private employees, however, judges and prosecutors have now gone six years without any change in pay.

Three pending bills outline a way to solve this problem.

In years when finances permit, our 35,000 state employees get a salary adjustment to account for inflation and health care costs. We propose that the salary rules

for state employees should also apply to judges and prosecutors as well.

Failure to make these small, periodic salary adjustments necessitates our second request—a pay raise financed by user fees to make up for six years of standing still.

Finally, we propose a public commission to make regular recommendations on the salary of public officials. Our current way of addressing salaries is "broke and needs fixing." Our dysfunction in dealing with this problem depresses the spirits of those who have dedicated their lives to public service, and it constitutes an unnecessary point of friction in a government of three branches that ought to be pulling together. For the families of judges and prosecutors, this is a matter of simple fairness.

Despite our challenges, there are many, many good things happening in Indiana. This gives me a sense of confidence about what the people of this state can do. I believe that in the end, Indiana will do right by itself. I promise you that judges will do their part to make it happen.

If you would like to download an electronic copy of the entire address or view a video of Chief Justice Randall T. Shepard's address to the Indiana General Assembly on January 17, 2003, visit this web page: [www.IN.gov/judiciary/supreme/state\\_jud.html](http://www.IN.gov/judiciary/supreme/state_jud.html) (note: this is an underscore between state and jud).

## Only A Few Local Rules Need Supreme Court Approval

***Indiana Trial Rule 81 provides that each local court may from time to time make and amend rules governing its practice not inconsistent with the Indiana Rules of Court.***

The rule further provides that two (2) copies of all local rules shall be furnished to the Clerk of the Supreme Court and Court of Appeals. The Clerk of the Supreme Court maintains on file the local rules filed by the trial courts.

Only in some instances do local courts need to have their local rules approved by the Supreme Court. Those instances involve:

1. Local rules promulgated pursuant to Trial Rule 79(H) regarding the selection of special judges in civil matters;
2. Local rules promulgated pursuant to Criminal Rule 2.2 regarding the non-discretionary assignment and

reassignment in criminal matters;

3. Local rules pursuant to Administrative Rule 15 regarding local plans for court reporter services; and
4. Local rules regarding case reallocation pursuant to the Weighted Caseload Measures system and the Supreme Court's Order for Development of Local Caseload Plans, issued by the Indiana Supreme Court on July 16, 1999.

All other local rules do not require Supreme Court Approval and may become effective upon promulgation by the local court. Questions may be directed to Lilia Judson (317) 232-2542 or [ljudson@courts.state.in.us](mailto:ljudson@courts.state.in.us).

## Judicial Conference Committee Coordinates Implementation of New Indiana Jury Rules

*After much study, deliberation, and public input, the Indiana Supreme Court in 2001 adopted the Indiana Jury Rules.*

The Jury Rules were the culmination of extensive work not only by the Supreme Court but also by the Indiana Citizens Commission for the Future of Indiana Courts, the Judicial Administration Committee of the Indiana Judicial Conference and the Indiana Supreme Court Committee on Rules of Practice and Procedure. After the Supreme Court promulgated the Jury Rules in 2001, to be effective January 1, 2003, the Judicial Conference convened a new Jury Committee to assist the Conference in fulfilling its duties under the new rules and to assist trial courts in implementing the new rules by serving as a clearing house for

questions and answers. The committee has concentrated on the details of the application of the new rules. In particular, the Committee's efforts have focused on jury pool formation, jury orientation development, and answering the numerous questions raised by the bench regarding the mechanics of the new rules. Though much work has been done, much more remains as courts across the state adjust their practices to the new rules.

Judge Earnes E. Yelton, Clay Circuit Court, chairs the committee. The other members are: Supreme Court Justice Brent E. Dickson, Judge Ken-

neth R. Scheibenberger, Judge Diane Kavadias Schneider, Judge Sheila A. Carlisle, Judge Michael D. Peyton, Judge Earl G. Penrod, Judge Mark A. McIntosh, Judge John R. Pera, Judge William J. Hughes, Judge Jeffrey R. Heffelfinger and Magistrate Craig J. Bobay. Michelle C. Goodman, staff attorney with the Indiana Judicial Center, serves as attorney to the Committee.

Questions about the new jury rules should be directed to Michelle C. Goodman of the Indiana Judicial Center at (317) 232-1313 or [mgoodman@courts.state.in.us](mailto:mgoodman@courts.state.in.us).

## Senior Judge John Kellam Leads Multi-Committee Effort to Standardize Entries for Chronological Case Summaries

*The Indiana Supreme Court is in the process of implementing a case management system for use potentially in all courts in the state.*

In order for this extremely versatile and powerful new system to be truly useful to the courts, it will need to employ standard business rules which integrate recordkeeping requirements and practices into the new case management system (CMS). One of the most important tasks in this part of the automation project is the establishment of a set of default Chronological Case Summary (CCS) entries which could be used by any court or clerk. The goal is for the CMS business rules to provide for local flexibility but also to establish default, standard entries, orders, and practices which would assist the users. The examination and development of standard CCS entries also gives the Indiana judiciary an opportunity to think beyond what is presently re-

quired and implement better practices.

Two judicial committees have undertaken the daunting task of jointly organizing, streamlining and standardizing the most common CCS entries. Heading up the joint effort by these two committees is Senior Judge John Kellam, formerly judge of the Henry Circuit Court. One of the two committees working on this project is the Indiana Judicial Conference Judicial Administration Committee, chaired by Allen Superior Court Judge Fran Gull. Justice Brent Dickson, as chair of the Supreme Court Records Management Committee, has assigned the Trial Rule 77 subcommittee, chaired by Judge Steve Nation, to work also on this task. Each of these committees had already identified CCS standardization as a critical need in Indiana. Each committee

had already started work on the project, albeit from somewhat different approaches. The fact that a modern, robust CMS would soon be available for use in Indiana made the CCS standardization project even more critical.

Because of the expertise already possessed by each committee and the interest each has expressed in this project, JTAC asked Judge Kellam to garner the talent of each and to work with each of these committees to achieve a product that could be implemented with the new CMS. The two committees plan to complete the bulk of their work by the fall 2003, in time for testing of the standardized CCS entries with the first implementations of the new CMS. Questions may be directed to the Hon. John Kellam at [jkellam@courts.state.in.us](mailto:jkellam@courts.state.in.us).

## State Funds Help Defray Local Costs of Administering Justice

*Through a number of discrete funds administered by the Indiana Supreme Court Division of State Court Administration, the Indiana Supreme Court is providing much needed financial help to the local courts and service providers.*

**Funds for GAL/CASA Programs.** The Supreme Court is distributing over \$714,000 to 67 local GAL/CASA programs across the state of Indiana. The funds are distributed to counties pursuant to a statutory formula based on the number of children in need of services in each county in the preceding state fiscal year.

The minimum grant per county is \$2000. This year, the maximum grant was \$141,641, which was distributed to Marion County. Other counties receiving substantial grants were Lake County (\$125,387), Allen County (\$65,294), Vanderburgh County (\$31,857) and St. Joseph County (\$28,096). The remaining counties received grants ranging from \$2000 to \$16,000. Counties are required to match the state appropriation dollar for dollar through county tax revenues. Pursuant to the statute, matching funds must be used for guardian ad litem and court appointed special advocate programs.

Under Indiana law, the appointment of a GAL/CASA is discretionary in some CHINS (Child in Need of Services) cases and mandatory in cases in which the child is alleged to be in need of services because: (1) the child substantially endangers his/her own health or the health of another individual; (2) the child is born with fetal alcohol syndrome or with any amount, including a trace amount, of a controlled substance or a legend drug in their body; (3) the child has an injury or abnormal physical or psychological development or is at a substantial risk of a life threatening condition that arises or is substantially aggravated because the child's mother used alcohol, a controlled substance, or a legend drug during pregnancy; (4) due to the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with the necessary medical care; or (5) the location of both the child's parents is unknown. The appointment of a GAL/CASA is also mandatory in CHINS cases in which the parent, guardian or custodian of a child denies the allegations of the CHINS petition. The appointment of a GAL/CASA is mandatory in every involuntary termination of parental rights action.

**Public Defender Commission Fund.** Indiana counties continue to receive substantial state assistance through the Public Defender Fund which helps pay for the cost of indigent defense services. The Indiana Public Defender Commission has been empowered by the Legislature to set standards for indigent defense services and approve requests for reimbursement of county expenses incurred under approved programs. The Commission assists coun-

ties that want to participate in the program, set up their operations, and meet the state standards. The Public Defender Fund provides 50% reimbursement to all counties for indigent defense costs of death penalty cases and 40% reimbursement for other indigent defense services to counties who comply with state standards.

During 2002, forty-seven counties received over \$4.7 million in reimbursements from the fund under the 40% formula. During this same time, nine counties received almost \$600,000 in reimbursement for death penalty case expenses involving eighteen separate capital cases. Already in 2003, the Public Defender Commission has authorized over \$1.8 million in reimbursements in noncapital cases to 44 counties. Capital reimbursements to date have totaled over \$115,000 to five counties in eight cases. Through this system of reimbursement and local option, Indiana's public defense approach, particularly in death penalty cases, has become a national model for improvement of indigent defense.

**Family Court Project Funds.** During 2002 nine counties participated in the Family Court Project and received \$155,000 in state funds designated for the projects. The main focus of the project has been the coordination of families who have multiple court cases pending before multiple judges and courts. The different projects are using alternative models to serve multiple case families which range from "one family – one judge" model to an "information sharing among multiple judges and parties or a combination of the two. The family court projects are in different stages of operations, with some starting out as new structures while others are continuing their efforts with the addition of local funds. The following counties are participating in the Supreme Court Family Court project: Boone and Montgomery as a joint project, Putnam and Owen as another joint project, Laporte, Marion, Johnson, Monroe and Porter.

**CIP Funds.** *Federal Court Improvement Grant (CIP) Funds Help Indiana Courts Improve Foster Care and Adoption Process.*

Since 1995, the federal government, through the Department of Health and Human Services, has made grant funds available to state courts for the assessment and improvement of foster care and adoption through the judicial process. Indiana has been an active participant in these Court Improvement Project (CIP) grants since their inception. Each grant allotment is for a two-year period based on the federal fiscal year. Rather than institute a state

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## On-line QCSR Reporting Now Available to Counties

*In late 2002, courts began using an online system to file their quarterly case status reports (QCSRs).*

Following an initial testing period, more than 100 courts signed up to begin filing their quarterly reports online. Although some modifications were required to the system and the handling of the statistics entered directly into the Internet, the feedback received by the Division has been overwhelmingly positive, and the program continues to expand with every quarter.

The main advantage for the trial courts with the advent of the online QCSR is that the courts avoid formal preparation and mailing of quarterly reports, saving staff time. Also, reports entered online are available immedi-

ately to the Division staff and court users.

A simplified weighted caseload calculator is also being developed and tested, to be added to the QCSR website in 2003. Additional reporting functionality and enhancements to the overall system are also anticipated throughout 2003 and it is hoped that more courts will have a desire to begin online statistical entry.

For more information contact Ron Miller, Division of State Court Administration, at tel. 317.232.2542 or [rmiller@courts.state.in.us](mailto:rmiller@courts.state.in.us) or visit our website at [www.IN.gov/judiciary/admin/courtmgmt/qcsr](http://www.IN.gov/judiciary/admin/courtmgmt/qcsr).

## Supreme Court Task Force to Recommend Policy on Public Access & Privacy of Judicial Records

*The Indiana Supreme Court Records Management Committee, chaired by Justice Brent Dickson, has convened a special task force, which is in the process of drafting and proposing to the Supreme Court for its adoption of a uniform state policy on public access and privacy of court records.*

Advances in technology and the ease of disseminating information to all corners of the world have raised to a very visible level the traditional conflict between consumer privacy concerns and the public's right to know. The Indiana Supreme Court Records Management Committee, chaired by Justice Brent Dickson, has convened a special task force which is in the process of drafting and proposing to the Supreme Court a uniform state policy on public access and privacy of court records. Members of the print and broadcast media, victim advocate groups, the Indiana Civil Liberties Union, prosecutors, public defenders, the Indiana Attorney General, judges, clerks and others make up the 24-member task force.

The Indiana public access statutes were drafted to cover court information. They specifically provide that the Supreme Court could, by rule, declare court records confidential. IC 5-14-3-4(a)(8). In accordance with this provision, the Supreme Court has enacted Administrative Rule 9 declaring certain judicial records confidential. Although the Supreme Court has not had an occasion to decide in a legal proceeding whether the public access laws are binding on the judicial branch of government, the Supreme Court has expressed a policy of complying with said laws, as in the enactment of Administrative Rule 9.

The new Task Force is not working from a blank slate. After a two-year national study, discussions, and public hearings, two national groups, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA), adopted a model policy for privacy in public access to court records. These model guidelines, which the task force is using as a template, encompass both electronic and physical access, and take into account that different users of records have different needs and thus different required levels of access. The initial premise of the model guidelines is that all records should be open and accessible to the public. From this general premise, exceptions are developed where restricted access to certain types of records or to classes of users is needed or required. Indiana will be the first state to use the national model policy developed by CCJ/COSCA as a starting point for its state policy.

The task force first met in January 2003 and expects, during the course of the ensuing ten bi-weekly meetings, to develop a comprehensive policy for submission to the Indiana Supreme Court for review and adoption. For more information, contact Ron Miller, Division of State Court Administration, tel. 317.232.2542 or [rmiller@courts.state.in.us](mailto:rmiller@courts.state.in.us).

## Judicial Administration Committee of the Judicial Conference Completes Update of Weighted Caseload Measures System

*The first study of a weighted caseload measures system was completed in 1996. The study resulted in the assignment of relative weights to all of the types of cases filed in Indiana courts.*

This weighed caseload measures system provided local courts, the Supreme Court, and the legislature with an empirical basis for measuring and comparing the workload that faced our courts. The Indiana Supreme Court implemented the weighted measures in 1999 by asking judges in counties and judicial districts to reduce caseload disparities among themselves.

The usefulness of a weighted caseload measures system depends to a great extent on it being updated at regular intervals so that procedural and statutory changes affecting case processing are captured accurately. With this in mind, the Division of State Court Administration asked the Judicial Administration Committee to revisit its work and update the original Weighted Caseload Study.

As its first step in this process, the Judicial Administration Committee recommended, and the Supreme Court approved, the addition of new case type categories to *Administrative Rule 8*. This amendment facilitated a more detailed breakdown of some of the case types, namely the general Criminal Felony (CF) and Civil Plenary (CP) categories. Under the new amendment, the old "Criminal Felony" (CF) category was split into "Capital Cases" (Capital), "Murder" (MR), "A Felony" (FA), "B Felony" (FB), and "C Felony" (FC). From the "Civil Plenary" category, the amendment segregated "Civil Collection" (CC), and "Mortgage Foreclosures" (MF), leaving the CP category with the balance of general civil case types.

The committee's update work focused exhaustively on the new case types which were not studied in the 1996 study. The committee also reviewed the weighted time

measures under the 1996 study for juvenile cases in light of statutory changes and requirements for additional post-disposition hearings. As in the first study, the committee asked judicial officers to keep time records. The Committee also contracted the IU Opinion Poll Laboratory to conduct case audits and examine case files in a range of large to small counties. From this information the committee calculated the resulting average weights for the case types being reviewed.

The relative weights calculated through the first study and this update incorporate all pre-judgment and post-judgment activities that may happened in a case, including matters such as repeat modifications of support and custody, probation violations, remands on appeal, etc. This data was captured in both the old and updated study by examining cases that had been closed and reopened for a varying number of years.

The committee also made recommendations concerning the overall administration of the weighted caseload measures system, including the following:

- The study should be reviewed regularly and updated as needed;
- Information currently being recorded on the Chronological Case Summaries (CCS) should be reviewed and standardized;
- Additional study should be dedicated to juvenile cases

The Committee's final report is available on the Supreme Court web site at [http://www.in.gov/judiciary/center/committees/jud\\_admin/docs/2002caseload-final.pdf](http://www.in.gov/judiciary/center/committees/jud_admin/docs/2002caseload-final.pdf). Questions may be directed to Ron Miller at (317) 232-2542 or [rmiller@courts.state.in.us](mailto:rmiller@courts.state.in.us).

## Called to Service

*Three Indiana judges who are members of the US armed service reserves have recently been called on active duty. They are:*

**The Hon. Chris Burnham, Morgan Superior Court 2.** The Supreme Court appointed the Hon. David Rimstidt as Judge Pro Tempore during his absence.

**The Hon. Richard McIntyre, Lawrence Circuit Court.** The Supreme Court has appointed the Hon. Andrew McCord as Judge Pro Tempore.

**The Hon. Steve David, Boone Circuit Court.** The Supreme Court has appointed the Senior Judge Ora Kincaid as Judge Pro Tempore.



***The Indiana Supreme Court's Pro Se Project is entering its third year of existence. Our latest work is this pro se section that will be inserted in the Court Times. The Advisory Committee understands the financial and managerial constraints that the self-represented litigants place on the court system. Our goal is to keep the judiciary informed of the latest laws, opinions, and efforts that affect self-representation. We will publish informative pieces and try to highlight solutions used by jurisdictions around the state.***

The Pro Se Advisory Committee was created in response to the growing national phenomenon of people choosing to represent themselves in court. The Supreme Court appointed the Pro Se Advisory Committee to make recommendations to the Supreme Court on the issues of pro se litigation; to develop a comprehensive strategy plan for future pro se efforts; and to help trial courts respond to the growing numbers of the self-represented. The Committee, chaired by the Hon. David Holt, consists of community members, judges, legal associations, and service providers.

We have evolved into a clearinghouse of information that not only assists the self-represented, but also assists judges, clerks, and court staff in dealing with self-represented litigants. Our website, [www.in.gov/judiciary/selfservice/index.html](http://www.in.gov/judiciary/selfservice/index.html), is one of the most popular web pages of our state judicial website, consistently ranking among the top 10

pages on the Indiana Judiciary Website since its inception in 2001.

The Committee has adopted a court staff training manual entitled "Legal Advice versus Legal Information." This manual helps court staff identify when they are being asked to give legal advice, which

they cannot give, or legal information, which they can and should give. We also travel around the state presenting training sessions to court staffs.

For more information contact Anthony Zapata at (317) 232-2542 or [azapata@courts.state.in.us](mailto:azapata@courts.state.in.us).

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## Putnam County's Pro Se Desk

***Recognizing that access to free legal services is limited for low-income residents of this rural county and that therefore many people represent themselves in court, the Putnam County Family Court Facilitation Project created a Pro Se Desk in January 2003.***

The Pro Se Desk at the Putnam County courthouse offers local forms and rules, service provider information, a binder of Putnam County attorney information, and the Indiana Supreme Court's Pro Se Project forms. The Pro Se Desk also provides attorney volunteers once per month to answer questions.

The goal of the Pro Se Desk is to make the courthouse more accessible for the entire community. Not only does the Pro Se Desk provide legal information for Putnam County residents, it also provides a way for Putnam County lawyers to begin to fulfill their pro bono obligations.

Each Pro Se Desk participant is requested to review and sign an agreement that the person understands that attorney volunteer is neutral and that there is no attorney-client relationship and no confidentiality. As with the Indiana State Bar Association's "Talk to a Lawyer Today" program and the Indianapolis Bar Association's "Ask A Lawyer" program, there is no threshold income limit for those who come to the desk with legal questions.

The majority of the Pro Se Desk questions thus far have been family law and consumer law questions. Attorney volunteers record the categories of questions, in order to help determine the legal needs of pro se litigants in Putnam County.

The Pro Se Desk is a natural outgrowth of the existing Family Court Pilot Project, because more than half of the

family court participants in Putnam County are families proceeding pro se. Since the project began in July 2000, all pro se divorces with children have been automatically referred to facilitation.

The Facilitation Project provides alternative dispute resolution for at-risk families in Putnam County, with the aim of decreasing the trauma to children involved in the court process. A facilitation is a conference conducted by facilitators, who are trained family law attorneys and mediators, with the parties and other persons who have significant information about the family and the relevant issues.

The Facilitation Project seeks to improve the speed and quality of the resolution for at-risk family disputes by mediating disputes ranging from CHINS to divorce to post-dissolution custody modification. The facilitators have had an 83% success rate in reaching agreements.

When the laws regarding protective orders changed effective July 1, 2002, the Facilitation Project began offering pre-hearing intakes for protective order cases where one of the parties requested that support or visitation be addressed. The facilitators provide a means of increasing the amount of information available at critical decision-making points for an at-risk family.

For information about the Putnam County Pro Se Desk, contact [mfennell@ccrtc.com](mailto:mfennell@ccrtc.com) or (765) 655-1973. For information about the Putnam County Facilitation Project, call (765) 665-1973, (765) 653-3164, Ext. 9553, or (765)-720-1081.



*The Hon. Diana LaViolette and Monica Fennell, Project Administrator for the Putnam Co. Family Court helps a Pro Se litigant at the "Pro Se desk".*





***“....to volunteer legal time and talents assuring the poor, elderly and disabled representation within our legal system” is the mission of Legal Volunteers of Indiana Judicial District 14.***

Our basic premise is that every person who requires legal services should have access to an attorney.

Legal Volunteers has an active history: the pro bono legal delivery system was formed first in 1994 by the Floyd County Bar Association; this effort was subsequently adopted and joined, first by the Clark County Bar Association and then the Harrison County Bar Association. This purely pro bono system superseded an existing private attorney arrangement with 21 attorneys who served a limited number of clients for a greatly reduced fee. The 1998 enactment of Indiana Supreme Court Rule 6.5 with its guidelines—centrality of client needs, direct representation, accountability, continuity—allowed a natural comprehensive progression for the pro bono efforts. The program was administered through the Legal Services office in New Albany until 2001, when the District Committee, under the leadership of Judge Cecile Blau (Clark Superior II) decided to merge services and finances with District 12. The main thrust for this merger came from the fact that Legal Services is the referral agent for both Districts.

At this point in time an administrator, a non-Legal Services employee, was hired to run the program. Great strides were made in

organization, recruitment of volunteer attorneys, and publicity to the community segments we serve, in addition to the obtaining of grants for litigation expenses. However, the administration of such a large program encompassing 12 counties was more than one person could comfortably handle, and, upon the resignation of the first administrator, in January 2003 the two Districts were divided back into two separate entities, each with a part-time administrator. Each works with Legal Services referrals, and the whole program is under the 501 c (3) “umbrella” of Legal Services.

These dry facts do not tell the whole story of Legal Volunteers: District 14 now has 158 attorneys enrolled for pro bono work, spread over Clark, Crawford, Floyd, Harrison, Orange, Scott, and Washington counties. We serve people who could not otherwise obtain legal assistance, a large percentage of them women seeking divorces, with a heavy preponderance of those cases involving spouse abuse. The elderly and disabled are also important parts of our constituency. Since family law areas form such a large part of our “practice”, Legal Volunteers undertook the task of presenting a Continuing Legal Education seminar on this subject in December,

2002. This broadened the base of attorneys willing to undertake divorce/custody, etc., cases and also exposed them to some others who are more than willing to mentor pro bono attorneys.

Lack of money for funding the social services country-wide is no secret to those who read the newspapers! The news from all fronts is that there will be very little grant monies available in 2003, and the funds that have historically been used to fund pro bono programs are tied to the stock market’s ups and downs. Legal Volunteers is caught between the fact that theirs is a program mandated by the Supreme Court and the realization that the money to pay for it is dwindling rapidly. The need is certainly not going away or even diminishing. The challenge is to face forward and think creatively.

The District 14 Advisory Board, under the present guidance of Floyd Circuit Judge J. Terrence Cody and the administrator, is endeavoring to do just that and to deal with the difficult issues facing us, both current and in the future.

For more information contact Amy W. Roth, Plan Administrator, Legal Volunteers of Judicial District 14 at amy.roth@ilsa.net or call (812) 945-4123.

# PRO SE DESK

## WELCOME TO INDIANA COURTS

THE COURT, INCLUDING THE JUDGE, THE CLERK, AND ALL COURT STAFF, MUST REMAIN IMPARTIAL. THEY DO NOT TAKE SIDES IN ANY MATTER COMING BEFORE THE COURT. THEY WILL GIVE THE SAME SORTS OF INFORMATION TO PERSONS ON BOTH SIDES OF A CASE.

CAN PROVIDE	CANNOT PROVIDE
<ul style="list-style-type: none"> <li>* <b>We can</b> provide you with a telephone number of local lawyer referral services.</li> <li>* <b>We can</b> explain and answer questions about how the court works.</li> <li>* <b>We can</b> provide you general information about court rules, procedures and practices.</li> <li>* <b>We can</b> provide you information from your case file.</li> <li>* <b>We can</b> review your papers for completeness by checking for signatures, notarization, correct county name, and correct case number.</li> </ul>	<ul style="list-style-type: none"> <li>* <b>We cannot</b> provide legal advice or legal interpretations. Only a lawyer can give you legal advice.</li> <li>* <b>We cannot</b> advise you whether or not you should bring your case to court or give you an opinion about what will happen if you bring your case to court.</li> <li>* <b>We cannot</b> advise you what to say in court.</li> <li>* <b>We cannot</b> let you talk to the judge outside court or talk to the judge for you about what will happen in your case.</li> <li>* <b>We cannot</b> fill out a form for you or tell you what words to use in your court papers.</li> </ul>

**REMEMBER:** The Court and court staff do not know the answers to all questions about court rules, procedures and practices. They have been instructed not to answer questions if they do not know the correct answer. Information you provide to staff is not confidential.

THIS LIST WAS DEVELOPED FOR DISTRIBUTION BY THE  
INDIANA SUPREME COURT SELF-SERVICE LEGAL CENTER

“Helping people help themselves.”

<http://www.in.gov/judiciary/selfservice>



## State GAL/CASA Offices Conducts Focus Group Study

*The Indiana Youth Institute Assessment Team conducted a focus group study on November 1, 2002, with eight program directors of county GAL/CASA programs.*

The purpose of the focus group was to assess the local program staff's level of understanding of what functions the Guardian Ad Litem/Court Appointed Special Advocate's State Office performs, as well as to garner suggestions for further growth and development so they can appoint special advocates.

These representatives were from Indiana's diverse group of local programs, including some organized as Section 501(c)(3) nonprofit entities and others administered by the local courts or other "umbrella agencies." Some of Indiana's programs provide service to one county only, others are multi-county programs.

Several themes emerged from the focus group. All focus group members at some point indicated that the State Office was responsive to their needs. Some mentioned that it was difficult to believe that "referring to the two employees of the state office, Director, Leslie Rogers and program coordinator Teresa Christopher, could do that much" in terms of responding quickly to needs. Focus group members identified support in program, legal and ethical questions as the most helpful. All of the focus group members agreed that the State Office was willing to assist in conducting training, sometimes on very short notice. None could indicate a time when the State Office was not prompt in responding to their needs. There was unanimous agreement that the State Office has been able to provide

timely and relevant assistance because of the leadership of the staff. The State Office is viewed as a convener, connector, and an advocate of raising practice standards.

All participants indicated that the positive growth seen in the State Office needs to be continued. Ideas for future growth included discussion regarding how to get more programs involved with the State Office. All agree that this could increase involvement of mentoring these programs. They felt that the programs did not realize what they were missing by not being involved with the State Office. Thoughts of organizing a statewide volunteer recruitment campaign that would involve all counties at one time were also discussed.

When asked to describe the State Office, a few offered insights:

- ◆ They described the State Office as the glue that keeps them all together.
- ◆ They reassured that the State Office helps them look forward and gives them vision.
- ◆ The State Office has raised the bar for expectations.

Some expressed their views in more personal terms saying they were proud to be part of this system, and that the State Office makes them proud to represent CASA in their county.

### State Funds Help Defray Costs--continued from page 4

level project, the Indiana Supreme Court has used these funds to provide sub-grants to local courts that try new ways to speed up the placement of children caught in the justice system. A committee of trial judges guides the project.

During 2002, the Supreme Court distributed a little more than \$166,500 in CIP grant funds to 7 counties. In 2003, \$35,799 has already been distributed under the same grant. It is anticipated that the annual grants for FY 2003 and beyond will continue to be in the \$200,000 per year range. Questions about the CIP grant may be directed to Jack Stark, Division of State Court Administration (317) 232-2542 or Anne Jordan, Indiana Judicial Center, at (317) 232-1313.

**The Indiana Civil Legal Aid Fund provides \$1,000,000 in civil legal aid to legal service providers.** During 2002 the Indiana Supreme Court Division of State Court Administration administered the distribution of \$1.0 million in grants to legal service providers from the Civil Legal Aid Fund established by the General Assembly

pursuant to IC 33-2.1-11.

Ten organizations shared in the biannual distributions from the Fund. Distributions are based upon a statutory formula which calls for an analysis of each county's civil caseload as it relates to the caseload for the entire state and the number of organizations serving each county. These grants enable eligible legal service providers to expand its services to indigent individuals in their area.

The ten eligible legal service providers last year were: Bartholomew Area Legal Aid, Inc., Community Organizations Legal Assistance Project, Inc., Elkhart Legal Aid Service, Inc., Indiana Legal Services, Inc., Indianapolis Legal Aid Society, Inc., Law School Legal Service, Inc., Legal Aid Corporation of Tippecanoe County, Legal Aid Society of Evansville, Inc., Legal Services of Maumee Valley, Inc., and Neighborhood Christian Legal Clinic.

For more information about the Civil Legal Aid Fund, contact Tom Carusillo at (317) 232-2542 or tcarusil@courts.state.in.us



## ***New Faces at Division of State Court Administration***

*Additional JTAC Staff Joins Division of State Court Administration to Help Implement New Case Management System.*

### **Dace Abeltins—Receptionist**

Dace Abeltins has done undergraduate work at Indiana University, the American Academy of Drama, and Pratt Art Institute. Dace most recently worked as a Production Representative for Automated Data Processing (ADP), Inc., a global payroll company. She has extensive sales and office administration experience, has worked for Professional Management Systems and Major Video Concepts, Inc., and is active in the local Latvian community.

As the receptionist the Division, Dace's responsibilities span many areas of the office. She will be responsible for answering incoming phone calls, greeting visitors to the office, and supporting various staff positions, primarily that of the Office and Fiscal Manager.

### **Gary Charles—MIS Director**

Gary holds a Bachelor of Science degree from Purdue University, with graduate work done at Butler University. After graduating from Purdue, he briefly worked in the engineering field before transferring into the information technology arena. He has experience in every aspect of information technology with recent emphasis on worldwide infrastructure solutions for the banking and insurance industries. Before joining the Division of State Court Administration in November, 2002, he served as Senior Vice President of information technology for US Bancorp in Milwaukee, Wisconsin.

As Director of MIS for JTAC, Gary will ensure the system's infrastructure is in place for all state and county entities that will be using the new case management system. Initially, he will be very involved in the modifications that will be made to the Case Management System and the subsequent interfaces that will be required for different state and county agencies. As the project progresses, Gary will provide the software computer systems necessary for the successful implementation.

### **Joy Hess—Support Specialist**

Joy Hess is a recent graduate of Taylor University where she obtained a Bachelor of Science in Computer Science and a minor in Mathematics.

As a Support Specialist for JTAC, Joy's responsibilities involve development of training materials; training users on software and hardware; testing and installing personal computers, software, and peripheral equipment; and answering help desk calls, troubleshooting, diagnosing, resolving, and documenting end-users' computer-related problems.

### **Heather Jonas—Support Specialist**

Heather Jonas holds a Bachelor of Science in Computer Information Systems and a Bachelor of Science in Management from Indiana University. After graduating from IU, she worked at Indianapolis Life Insurance and gained valuable IT experience. As a Help Desk Specialist for JTAC, Heather's

responsibilities also involve development of training materials; training users on software and hardware; testing and installing personal computers, software, and peripheral equipment; and answering help desk calls, troubleshooting, diagnosing, resolving, and documenting end-users' computer-related problems.

### **John Kohlmeyer—Database Administrator**

John Kohlmeyer is a recent graduate of Purdue University, where he obtained a Bachelor of Science degree in Computer Science. While at Purdue, John excelled in classes involving computer security, databases, networking, and software engineering, and has authored several freelance Internet applications. He joined JTAC in November 2002.

As Database Administrator for the Division, John is responsible for assisting the MIS Director in the development, implementation, and operation of information and functional systems for the CMS and the project office. In addition, John assists with maintaining and optimizing the office network and computers and evaluates new software and hardware to determine compatibility with existing programs and equipment.

### **Chris Osborne—Team Leader**

Chris Osborne holds a Doctor of Jurisprudence degree from the Indiana University School of Law at Indianapolis and is a member of the Indiana Bar. In addition, Chris has a BSIM degree (industrial management) from Purdue University and the MBA degree from Ohio State University.

Although a lawyer, Chris's has spent much of his professional time in IT positions, first with Procter & Gamble Co, and later with Purdue University and Brown and Williamson Tobacco Corporation in Louisville, Kentucky, where he was a manager of systems development. More recently, Chris has served as a consultant on a number of projects with judicial and government clients, including the Ohio Supreme Court and the Montana Department of Revenue.

As a Team Leader, Chris will be responsible for leading one of two teams in the CMS installation effort in Indiana counties.

### **Ervins Ramanis—Financial Field Representative**

Ervins Ramanis graduated from Roosevelt University in Chicago with a Bachelor of Science degree in accounting. After graduation, he joined a brokerage firm as a portfolio accountant, transitioned into accounting systems, and then worked as an information systems auditor at Follett Corporation in River Grove, Illinois. Prior to joining the Division in November 2002, he spent several years working in systems consulting, in both Illinois and Indiana, where he assisted organizations with accounting systems implementation including installation, upgrades, setup, training and support.

As a Financial Field Representative, Ervins will be responsible



for coordinating and assisting CA with the installation and setup of the financial portion of the CMS. In addition, he will be responsible for training county clerks to use the financial system.

#### **Patrick Reece—Systems Analyst**

Mr. Reece holds a Bachelor of Science degree from the University of Dayton with graduate work done at IUPUI. After graduating from Dayton, he worked in the information technology area with the Department of Workforce Development, State of Indiana for more than 30 years. During his tenure with Workforce Development, he operated as a programmer, systems analyst, manager, and database administrator. He then joined AdminaStar Federal, and migrated their call center database from Peoria, IL to Louisville, KY in the spring of 2001.

As Systems Analyst for the Division, Pat will be instrumental in coordinating interdepartmental data sharing among the various state agencies using the new Case Management System. Initially, he will be very involved in the modifications that will begin the Case Management System and the subsequent interfaces that will be required for different state and county agencies. As the project evolves, he will be ensuring that shared information is relevant and current for the needs of the Indiana Supreme Court.

#### **Jill Russell—Senior Support Specialist**

Jill Russell has a Bachelor of Science in Marketing from IUPUI, as well as certification in Microsoft Office products, computer support and maintenance, communications, and web design. Jill joined the Division in December 2002 after serving as Customer Support Coordinator at CSI - Computer Systems, Inc. In that role, she coordinated new hardware installations, maintained device maps and equipment inventory lists, and was the initial contact for customers' help desk calls. Prior to CSI, Jill worked in various areas at Walker Information, including data processing, client services, sales and human resources.

As Walker's Training Specialist, Jill was responsible for developing and conducting orientation, technical training, and processing updates for associates as well as clients. In addition, she resolved end-user requests and training needs.

As Senior Support Specialist, Jill's responsibilities involve development of training materials and training users on software and hardware; testing and installing personal computers, peripheral equipment and software; answering help desk calls, troubleshooting, diagnosing, resolving, and documenting end-users' computer-related problems; and consulting with programmers to explain errors or recommend program changes.

#### **Anthony Warfield—Office and Fiscal Manager**

Anthony Warfield holds a Master of Business Administration in corporate finance from Indiana University, a Masters of Fine Arts in Film and Video from the Savannah College of Art and Design, and a Bachelor of Arts in economics from Wabash College. Anthony has been involved in the field of technology throughout his career, having taken a position as programmer analyst after graduation from Wabash College. Since then, he has also developed extensive knowledge of business management and financial analysis through subsequent education and experience. Prior to joining the Division in December 2002, Anthony served as a financial analyst for Ameritech's ACIS project, in which he participated in the implementation of a centralized information management system for Ameritech subsidiaries in five midwest states, including Indiana.

As the office and fiscal manager, Anthony assists the Executive Director, the Director & Counsel of Trial Court Technology, the Director of Office and Employment Law Services, and the Chair of the Indiana Supreme Court Judicial Technology and Automation Committee in carrying out the fiscal and office management duties relating to the JTAC project.

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### **New Court Analyst**

Another new face on the Division Staff is [Adrienne Henning](#), who started her duties as court analyst in March, 2003. Adrienne's work will focus on the collection and compilation of the statistical reports and their analysis. She will have substantial interaction with the trial judges, clerks and their staff and plans to visit courts in order to become more familiar with their work.

Adrienne has an undergraduate degree in Business Management and French from Greenville College, Illinois. Prior to joining the Division staff, Adrienne worked with Eli Lilly and Co. as a Training Coordinator through World Travel Partners of Indianapolis. She will be starting law school in the fall of 2003 as an evening student at the IU School of Law at Indianapolis.

### **Leslie Rogers Joins Division of State Court Administration as New Indiana State GAL/CASA Director**

Ms. Rogers came to the Division from the Marion County Office of Family and Children where she served as Chief Legal Counsel for over four years. Ms. Rogers has worked in private practice in the litigation departments at Baker and Daniels in Indianapolis and at the McNair Law Firm in Columbia, South Carolina. Prior to that, she clerked for the Chief Justice of the South Carolina Supreme Court. Ms. Rogers graduated from Indiana University in 1987 and from the University of South Carolina School of Law in 1990.

The State GAL/CASA Director helps guide the Indiana GAL/CASA program by providing training and legal support for the sixty-seven local GAL/CASA programs. In addition, the State Office provides annual matching funds to the local programs. The distribution of these funds is done pursuant to a statutory formula based on the number of children in need of services in

each county in the preceding state fiscal year. The Director also serves as the liaison to the Indiana Family Court project as well.

Currently, Ms. Rogers is working with the National CASA Association to implement a national quality assurance initiative for local CASA/GAL programs. Pursuant to this initiative, each local program must complete a self-assessment that will be reviewed by National CASA and the state CASA office to assess whether programs are in compliance with national quality standards. The State Office will then assist the local programs in complying with the national standards by offering additional training, providing technical assistance and connecting non-compliant programs with compliant programs for mentoring and additional assistance.

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## Supreme Court Rules Govern Microfilming & Scanning of Court Records

*Clerks and Courts need to keep in mind that there are Indiana Supreme Court Rules which govern microfilming, imaging and scanning of court records. Not following the rules may seriously jeopardize the authenticity of the microfilmed and scanned court records. Specifically, microfilming of court records must be done pursuant to the standards spelled out in Ind.Administrative Rule 6. Imaging/scanning of court records must meet the standards found in Ind.Administrative Rule 13.*

Microfilming provides a compact, permanent image of the official records of the court, which, if done properly, become the permanent official records of the court. Administrative Rule 6 requires that specific documentation be completed before microfilming, sets legibility standards, and establishes storage standards for permanency. Administrative Rule 6 also provides that before a paper court records may be destroyed, the clerk must file a "Destruction Certificate" with the Division of State Court Administration.

Similarly, Administrative Rule 13, "Optical Disk Imaging Standards," sets out documentation, legibility, and permanency requirements for electronically stored images. While electronic storage is inexpensive, its permanency is often short-lived, absent compliance with the standards.

A number of companies are marketing "hybrid systems," which permit microfilmed images to be scanned and stored electronically. One version, offered by Eastman Kodak, is being used in Floyd and Morgan counties. Another system, manufactured by Canon, is in use in

Johnson County. A third process is software-based, which, in addition to scanning documents in a TIFF Group 4 format, also can permit Optical Character Recognition (OCR) scanning, Internet access and conversion to microfilm. While no product has been approved, several vendors are developing proposals for review by the Division.

It is important to note that the Division reviews and approves systems based upon the system's specific application in a specific court or clerk's office. "One size" does not fit all, and approval of one system for use in a certain environment does not mean that it will be approved in another county where the status of the existing records may be vastly different. The approval is for a specific system and how it is being used in a specific court.

For review of microfilming programs and for assistance in selecting imaging/scanning systems, please contact the Division of State Court Administration, Information Management Section, 317-232-4703, [jnewman@courts.state.in.us](mailto:jnewman@courts.state.in.us). Also, visit our web site, [www.IN.gov/judiciary](http://www.IN.gov/judiciary) to download the certification form and obtain copies of Administrative Rules 6 and 13.

## 2002 General Election Results

### New Judges

**Allen Circuit Court**, Thomas Felts;

**Bartholomew Superior Court #2**, Roderick D. McGillivray;

**Boone Superior Court #1**, Matt Kincaid;

**Daviess Superior Court**, Dean A. Sobecki;

**Delaware Circuit Court #4**, John M. Feick;

**Fayette Superior Court**, Ronald T. Urdal;

**Grant Superior Court #1**, Jeff Todd;

**Hancock Superior Court #1**, Terry K. Snow;

**Hancock Superior Court #2**, Dan E. Marshall;

**Henry Circuit Court**, Mary G. Willis;

**Henry Superior Court #2**, Bob Witham;

**Howard Superior Court #3**, Doug Tate;

**Marion Circuit Court**, Ted Sosin;

**Marion Superior Court**, David Shaheed;

**Marion Superior Court**, John Hammel;

**Montgomery County Court**, Peggy L. Quint Lohorn;

**Porter Superior Court #4**, David L. Chidester;

**Posey Superior Court**; Brent Almon;

**Tippecanoe Circuit Court**, Don Daniel;

**Tippecanoe Superior Court**, Thomas H. Busch (gov. apptee);

**Tippecanoe Superior Court #5**; Lesley A. Meade;

**Tipton Circuit Court**, Thomas R. Lett;  
**Warrick Circuit Court**, David O. Kelly;  
**Wayne Superior Court #3**, Darrin M. Dolehanty;

#### **New Appointees/New Magistrates**

**Allen Circuit/Superior**, mag., Robert Ross;  
**Lawrence Superior Court**, Mike Robbins;  
**Miami Circuit Court**, Rose Mary Higgins Burk  
**Vigo Circuit Court**, David R. Bolk  
**Delaware Circuit Court #1**, Marianne Vorhees  
**Porter Superior Court #2**, William Alexa

#### **Clerks**

**Allen County**, Therese Brown;  
**Crawford County**, Terry L. Stroud;  
**Dubois County**, Kathleen Hopf;  
**Elkhart County**, Stephanie Burgess;  
**Henry County**, Patricia French;

**Howard County**, Mona L. Myers;  
**Jackson County**, Sarah Benter;  
**Jasper County**, Kara Fishburn;  
**LaGrange County**, June Curtis;  
**Marion County**, Doris Anne Sadler;  
**Monroe County**, Jim Fielder;  
**Owen County**, Nick Robertson;  
**Pulaski County**, Janet Kennedy;  
**St. Joseph County**, Rita Glenn;  
**Shelby County**, Carol Stohry;  
**Tippecanoe County**, Linda Phillips;  
**Tipton County**, Bonita G. Guffey;  
**Wabash County**, Lori Draper;  
**Warren County**, Jacki Brier;  
**Wells County**, Beth Davis;  
**White County**, Bruce Lambert;

## **Ask Jack**

*(Each issue, Jack Stark, Director of Trial Court Services, will answer reader questions concerning matters of court administration or general reader interest. Should no interesting questions be presented, Jack will make up a question and answer it! Anyone with a question is invited to send it to Jack Stark, Division of State Court Administration, 115 West Washington Street, Suite 1080, Indianapolis, Indiana 46204, or e-mail it to [jstark@courts.state.in.us](mailto:jstark@courts.state.in.us).)*

**Question:** I am a trial court clerk who has just received a certification of recusal from a trial court judge. The judge, who presides in a court in another county, served as special judge in a civil case from my county. The judge advises that she is recusing due to her retirement from the bench. How is a new special judge to be appointed?

**Answer:** The answer to your question lies buried within Indiana Trial Rule 79. Specifically, subsection (I) provides that where a special judge assumes jurisdiction and thereafter ceases to act for any reason except the granting of a timely motion for change of judge, the regular judge of the court where the case is pending shall assume jurisdiction, provided such judge has not previously served in the case and is otherwise eligible to serve. If the regular judge does not assume jurisdiction, a successor special judge shall be selected in accordance with Ind. Trial Rule 79(D) (allowing the

parties in the case to agree upon a special judge) or (H) (selection under local rule).

Under this formula, the first step is to determine whether the presiding judge of the court in your county in which the case is pending has served in the case. If she has, special judge selection should then be accomplished by party agreement or assignment by your local rule. If the judge has not served, then she shall assume jurisdiction, unless she is ineligible to take the case pursuant to the standards set forth in T.R. 79(J).

The regimen would have been slightly different had the special judge ceased to act due to the "timely granting" of a motion for change of judge. Had that ended the special judge's stint over the case, the successor special judge would be selected by either party agreement (subsection D), selection by the court (subsection E), selection by panel (subsection F), or local rule (subsection H).

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Our goal is to foster communications, respond to concerns, and contribute to the spirit and pride that encompasses the work of all members of the judiciary around the state. We welcome your comments, suggestions and news. If you have an article, advertisement, announcement, or particular issue you would like to see in our publication, please contact us.

**If you would like to receive this newsletter via e-mail, or by accessing our website, please send a message to [dguthrie@courts.state.in.us](mailto:dguthrie@courts.state.in.us) to have your name added to our electronic list and removed from our hardcopy mailing list.**

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#### **Please Circulate to Co-workers**

**This newsletter reports on important administrative matters. For future reference, add it to your Trial Court Administrative Manual.**

### *Indiana Court Times*

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